

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIC DEWAYNE HATTON,

Plaintiff,

v.

SACRAMENTO COUNTY POLICE,

Defendant.

No. 2:22-cv-02143 KJM DB P

ORDER

Plaintiff, a county inmate proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983 together with a request for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. However, the certificate portion of the in forma pauperis application has not been filled out and signed by an authorized jail official. See 28 U.S.C. § 1915(a)(2). Plaintiff will be provided another opportunity to submit a fully completed application to proceed in forma pauperis.

Plaintiff has also submitted a letter in which he appears to request to amend his complaint to reflect that “Sacramento Sheriff’s Department”, not “Sacramento County Police,” is the correct name for the defendant in this action. (ECF No. 4.) Plaintiff’s request will be granted and the Clerk of the Court will be directed to correct the name of the defendant from “Sacramento County Police” to “Sacramento Sheriff’s Department” in the case caption.

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1 Finally, plaintiff has requested an order directing the Sacramento County Main Jail to  
2 reduce the amount removed from plaintiff's inmate trust account. (ECF No. 7.) Plaintiff claims  
3 that as he is proceeding in forma pauperis in his cases, his monthly payments should be capped at  
4 "20% of [his] preceding month's [sic] income" each month. (Id. at 1.) However, plaintiff has not  
5 yet been granted in forma pauperis status in the present action. As such, this request will be  
6 denied without prejudice as premature.<sup>1</sup>

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25 <sup>1</sup> Based on plaintiff's letter, it appears plaintiff believes that a maximum of twenty percent should  
26 be taken from his account as he is proceeding in forma pauperis. As stated above, the court will  
27 deny plaintiff's motion as premature. However, as plaintiff may still request and be granted in  
28 forma pauperis status in this case, plaintiff should be informed that the Supreme Court has ruled  
that recoupment of filing fees from multiple cases is "simultaneous, not sequential". Bruce v.  
Samuels, 577 U.S. 82, 87 (2016). Additionally, the twenty percent is deducted "for each action"  
where court fees are owed. Bruce, 577 U.S. at 90.

1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Plaintiff's request to proceed in forma pauperis (ECF No. 2) is denied without  
3 prejudice;

4 2. Plaintiff shall submit, within thirty days from the date of this order, a fully completed  
5 in forma pauperis application or pay the full filing fee for this action (\$402). Plaintiff's failure to  
6 comply with this order will result in a recommendation that this action be dismissed without  
7 prejudice;

8 3. Plaintiff's request for reduction of in forma pauperis filing fees (ECF No. 7) is denied  
9 without prejudice;


10 4. Plaintiff's request to correct the name of the defendant in the case caption (ECF No. 4)  
11 is granted; and

12 5. The Clerk of the Court shall:

13 a. Provide plaintiff with another copy of the in forma pauperis application used by  
14 this court; and

15 b. Change the name of defendant "Sacramento County Police" to "Sacramento  
16 Sheriff's Department".

17 Dated: January 17, 2023

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20 DEBORAH BARNES  
21 UNITED STATES MAGISTRATE JUDGE  
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25 DB:14  
26 DB/DB Prisoner Inbox/Civil Rights/R/hatt2143.3c  
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